



Teaching
Regulation
Agency

Mr Jeremy Cotton: Professional conduct panel outcome

**Panel decision and reasons on behalf of the
Secretary of State for Education**

February 2025

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Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher: Mr Jeremy Cotton
Teacher ref number: 1044655
Teacher date of birth: 22 January 1985
TRA reference: 19456
Date of determination: 28 February 2025
Former employer: Perins School, Alresford

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 24 to 28 February 2025 by way of a virtual hearing, to consider the case of Mr Jeremy Cotton.

The panel members were Mr Peter Ward (lay panellist – in the chair), Ms Debra Vaughan (lay panellist) and Ms Amanda Godfrey (teacher panellist).

The legal adviser to the panel was Mr Ben Schofield of Blake Morgan LLP.

The presenting officer for the TRA was Mr Howard Tobias of Capsticks LLP.

Mr Cotton was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 4 February 2025 (and as amendment following the below application).

It was alleged that Mr Cotton was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

1. On more than one occasions between around October 2019 and February 2020, he encouraged and/or engaged in online communication with Pupil A, on the social media platform, ChatCrypt.
2. On one or more occasions in or around May 2018, he contacted Pupil A on Instagram;
3. On more than one occasions between around October 2019 and February 2020, he sent one or more inappropriate messages to Pupil A and/or made one more of the following inappropriate comments;
 - a. "It's safer on here than email, we have been good only chatting on here" or words to that effect;
 - b. "You look pretty without makeup on" or words to that effect;
 - c. "Your skirt looks short under the desk with your legs crossed" or words to that effect;
 - d. "That's my [Pupil A's initials]" or words to that effect;
 - e. "Was eyeing you up earlier wondering if your man shirt would fit" or words to that effect;
 - f. "Can't resist" or words to that effect, in response to Pupil A, "thought we weren't doing this anymore" or words to this effect;
 - g. Described to Pupil A on ChatCrypt what activities of a sexual nature he wanted to engage in with her, including putting his fingers inside her and/or lifting her skirt up and/or putting his hand in her shirt, or words to that effect;
 - h. Sent Pupil A a photo of his clothed crotch when he had an erect penis via ChatCrypt;
 - i. Told Pupil A that he would love to see her in his shirt, or words to that effect;
 - j. Told Pupil A that her skirt looked good now it's shorter, or words to that effect;

- k. Told Pupil A that her shirt goes see through when it rains and/or asked her to come and stand outside in the rain with just her shirt on, or words to that effect;
 - l. Asked Pupil A to send pictures of herself in wet uniform;
4. On one or more occasions between October 2019 and February 2020, he discussed personal issues about his personal life as set out in Schedule A with Pupil A;
5. On one or more occasions between October 2019 and February 2020, he sent emails to Pupil A, which contained the following cryptic messages:
 - a. "Exam papers are online now" or words to that effect which meant that Pupil A should go to the chat room, ChatCrypt;
 - b. "Happy Birthday" or words to that effect which meant that Pupil A should go to the chat room, ChatCrypt;
6. On an unknown date prior to 12 February 2020 he requested and/or taught Pupil A, to double delete email correspondence with him;
7. Between 7 January 2020 and 5 February 2020, he sent over 100 emails to Pupil A;
8. On an unknown date in February 2020:
 - a. He ran his hand down Pupil A's back; and/or
 - b. Did so when he knew or ought to have known that Pupil A did not want him to run your hand down their back;
9. On an unknown date prior to 12 February 2020, he held Pupil A's hand;
10. On one or more occasions between 2017-2020, he asked Pupil A to roll her skirt up for him, or words to that effect;
11. On one or more occasions between 2017-2020, via ChatCrypt and/or at School in person, he asked Pupil A to wear a black bra under her shirt;
12. On one or more occasions between 2017-2020, he placed notes inside Pupil A's book which contained one or more of the following inappropriate comments:
 - a. Asking Pupil A to go on ChatCrypt; and/or;
 - b. Comments on the length of her skirt; and/or;

- c. Comments about what he wanted to do to Pupil A, or words to that effect;
13. In around 2019-2020, he touched Pupil A's thigh(s) and/or touched Pupil A under her underwear and/or digitally penetrated Pupil A;
14. By his actions as set out in allegations 1 to 13 above, he breached the professional boundary between a teacher and a pupil;
15. By his actions as set out in allegation 6 above, he demonstrated elements of dishonesty and/or a lack of integrity;
16. His behaviour as may be proven at one or more particulars 1 to 13 above, was conduct of a sexual nature and/or was sexually motivated.

[REDACTED]

In written responses in these proceedings, Mr Cotton admitted some allegations, denied others and admitted some allegations on a different basis as to how they were advanced by the TRA. Mr Cotton's position on each of the allegations is set out in detail in the finding of fact section below.

Where Mr Cotton did make admissions, he also accepted they would amount to unacceptable professional conduct and/or conduct that would bring the profession into disrepute.

Preliminary applications

The panel considered the following preliminary applications, prior to starting the substantive hearing. In all the applications the panel considered the submissions of the parties and followed the guidance of its legal adviser.

Application to proceed in the absence of Mr Cotton

The panel considered an application from the presenting officer to proceed in the absence of Mr Cotton.

The panel was satisfied that the Notice of Proceedings ("the Notice") had been sent in accordance with Rules 5.23 and 5.24 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2020 ("the Procedures") and that the requirements for service had been satisfied.

The panel went on to consider whether to proceed in Mr Cotton's absence or to adjourn, in accordance with Rule 5.47 of the Procedures.

The panel had regard to the fact that its discretion to continue in the absence of a teacher should be exercised with great caution and with close regard to the overall fairness of the proceedings. The panel gave careful consideration to the fact that Mr Cotton is not in attendance and will not be represented at this hearing, should it proceed, and the extent of the disadvantage to him as a consequence.

The panel took into account the response to the Notice in which Mr Cotton expressly answered 'no' to the question on whether he intended to be present at the hearing. This position was further confirmed in Mr Cotton's written statement for this hearing, which set out:

"Please understand the reasons for not attending. This was over 5 years ago and I have a new career away from education — 5 years is not a reasonable amount of time to have taken to drag this all back up — people have moved on with their lives. [REDACTED]. The TRA without fail, always side with the student when it comes to things like this — I cannot see the point!"

On balance, the panel decided that the hearing should continue in the absence of Mr Cotton for the following reasons:

- Mr Cotton had not sought an adjournment and there was no evidence before the panel which indicated that Mr Cotton was unfit to attend the hearing due to ill-health or any other reasons. The panel was satisfied that Mr Cotton's absence was voluntary and he had waived his right to attend.
- The risk of reaching the wrong conclusion and the disadvantage to Mr Cotton in not being present were mitigated to some degree by the fact that Mr Cotton had provided various written statements setting out his position on the allegations which the panel would take into account.
- Given Mr Cotton's limited engagement, there was no indication that Mr Cotton might attend at a future date such that no purpose would be served by an adjournment.
- There is a public interest in hearings taking place within a reasonable time and the panel were mindful of the age of these allegations.
- There is a burden on all professionals who are subject to a regulatory regime to engage with their regulator.
- There are witnesses present to give evidence to the panel who would be significantly inconvenienced were the hearing to be adjourned.

Having decided that it is appropriate to proceed, the panel would strive to ensure that the proceedings are as fair as possible in the circumstances, bearing in mind that Mr Cotton is neither present nor represented.

Application for a private hearing

Mr Cotton had provided a written application for the entirety of this hearing to be heard in private. As part of that application, Mr Cotton also made reference to publication of the decision after the hearing. The matter of publication is a matter for the Secretary of State, and therefore the panel only considered the application in so far as it applied to holding this hearing either in public or private.

In his application, Mr Cotton set out the basis of his application was due to the impact public proceedings would have on third parties, [REDACTED]

The presenting officer opposed holding the hearing in private. He submitted the grounds of the application did not supersede the requirements of the principle of open justice. In relation to discrete topics, such as [REDACTED], which are routinely considered as an aspect of a person's private life, the presenting officer submitted they could be dealt with in private if they arose during the course of the evidence, which would otherwise preserve the open nature of the proceedings.

The panel gave very careful consideration to the issues raised in Mr Cotton's application. The guidance from the panel's legal adviser was clear on how such applications ought to be approached. The guidance included setting out:

- The fundamental principles of open justice and the starting point is that these hearings must be held in public;
- The difficulties the courts have found in setting rational boundaries where applications for privacy are based on the impact proceedings will have on third parties;
- The need for 'exceptional circumstances' to be present in order to depart from the starting point of the hearing taking place in public;
- The need for clear evidence supporting the existence of any 'exceptional circumstances';
- The practical effect that a general and wide ranging privacy direction would have at this hearing, taking into account the existence of this hearing was already a matter of public record and the panel was still required to announce its decision and reasons on factual findings and statutory grounds in public regardless of any privacy direction it makes.

The panel considered the remarks set out in the application regarding the possible impacts on [REDACTED] had the potential to amount to an 'exceptional circumstance'. However, the panel noted that such concerns were firstly predicated on an unknown prediction that [REDACTED] as a result of possible adverse publicity. The panel noted these were concerns of a somewhat unquantified nature in the application and no

evidence had been provided in support of such assertions. Secondly, the panel took into account there was no [REDACTED] provided at all which touched on [REDACTED] or the impact these proceedings may have on it.

The panel further took account of the practical realities of the application. It considered that much of the aim of Mr Cotton's application (in regard to the private hearing aspect) was unachievable in light of the factors set out in the last bullet point above.

Accordingly, the panel considered that there was insufficient evidence before it of any 'exceptional circumstances' being present and could not identify any other factors which suggested the starting point should be departed from. Therefore the panel refused the application for the entirety of the hearing to be held in private and would deal with any privacy concerns in respect to aspects of Mr Cotton's private life if they arose during the course of the evidence.

Application for special measures

The presenting officer made an application for Pupil A to be considered as a vulnerable witness by reason of her status as complainant of sexual misconduct and to have the benefit of special measures in so far as having her partner present with her when she gave her evidence to the panel.

There was no written response to the application from Mr Cotton.

The panel took account of the section of the Procedures dealing with vulnerable witnesses and noted that Pupil A fell into this category (under paragraph 5.102(iv)). In order to ensure the panel received the best evidence it could and to protect the welfare of the witness, the panel was minded to grant the application and directed that Pupil A should be considered a vulnerable witnesses and to have a witness supporter present when giving evidence.

In order to preserve the quality of Pupil A's evidence and to avoid any suggestion that a witness supporter was coaching or otherwise influencing Pupil A's evidence, and taking into account the virtual nature of this hearing, the panel further directed that any witness support be visible to the panel and parties at all times during Pupil A's evidence.

For the avoidance of doubt, the granting of 'special measures' is simply a procedural mechanism which supports the panel receiving the best quality evidence from a witness in any given case. That is of benefit to all involved in these proceedings and is in the wider public interest. The panel draws no inferences on the contents of a witness's evidence simply by virtue of such an application being made.

The TRA also made an application for the panel to direct that an independent advocate be appointed, in light of the restriction placed on teachers directly questioning complainants of sexual misconduct (as set out at paragraph 5.105 of the Procedures). In

light of Mr Cotton's non-attendance at the hearing to ask any questions of Pupil A, as such a direction was not required to have been made.

Amending the allegations

The TRA made an application to amend the allegations. In summary those were:

- For allegation 3(d), Pupil A's initials was set out in full. Accordingly, such information would likely lead to the identification of a pupil, which the TRA routinely anonymises. The application was to amend the wording of this sub-allegation to remove the initials and replace it with "[Pupil A initials]".
- To remove the direct reference to aspects of Mr Cotton's private life from allegation 4 and to include them in a private schedule, in order to protect his private life interests.
- To address a simple typographical omission by adding the words "a lack of" directly before the word integrity in allegation 15.

The panel considered the proposed amendments did not have any impact on the scope, nature or seriousness of the allegations against Mr Cotton and therefore he would not be prejudiced by such an amendment, even though he was without notice of the application and was not present at this hearing.

The panel therefore amended the allegations as sought.

Application to admit late evidence

The presenting officer made an application to rely on an updated hearing bundle with a further 151 pages of evidence. This bundle was not served within the disclosure timetable set out in the Procedures and therefore could only be admitted with the panel's permission.

The presenting officer explained to the panel that the additional pages were simply the full copies of various school policy documents in which partial extracts were already included in the bundle.

The panel considered that whilst these policies were clearly not central to the factual allegations, they might assist the panel in regard to consideration of any potential breaches of the Teachers' Standards. On that basis, the panel considered they could reasonably be considered as relevant. The panel further decided that as these documents were not of central importance, it was unlikely that any unfairness would arise to Mr Cotton in admitting the full versions of the policy documents.

Accordingly the panel granted the application.

Summary of evidence

Documents

In advance of the hearing, the panel received a bundle of documents which included:

Section 1: Chronology and anonymised pupil list – pages 3 to 5

Section 2: Notice of proceedings and response – pages 6 to 50

Section 3: Teaching Regulation Agency witness statements – pages 51 to 246

Section 4: Teaching Regulation Agency documents – pages 247 to 278

Section 5: Teacher documents – pages 279 to 285

Further to the above application to admit late documents, the panel accepted an updated bundle with an additional 151 pages.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

Witnesses

The panel heard oral evidence from the following witnesses called by the TRA:

- Witness A - [REDACTED];
- Pupil A - [REDACTED];
- Pupil A's mother.

No witnesses were called on behalf of Mr Cotton.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

Mr Cotton was employed by Perins School (“the School”) from 2014 as a Teacher of Computing and was later promoted to Team Leader of that subject. This was Mr Cotton’s second teaching post, following his induction year at a previous school. The School is a mixed comprehensive secondary school in Alresford, Hampshire with around 1170 pupils on the roll.

Pupil A attended the School from Years 7 to 11 [REDACTED]. Mr Cotton taught Pupil A Computer Science throughout her time at the School, including as a GCSE option.

On 6 May 2020, the parents of Pupil A attended the School to raise a concern about Mr Cotton's recent contact with their daughter through an online chat service. This followed a previous similar concern being raised by Pupil A's parents in 2018. As a result of this further concern being raised, the School started its own internal investigation. The School's investigation included speaking with: Pupil A, Pupil A's mother and Mr Cotton. Before the School's investigation process was completed, Mr Cotton resigned from his position on 14 July 2020. In August 2020, the School made a referral to the TRA, which has also undertaken its own investigation.

Following further disclosures by Pupil A in 2022, a complaint was made to Hampshire Police regarding an alleged sexual assault that took place between Pupil A and Mr Cotton in 2020. They undertook a criminal investigation including interviewing Pupil A and Mr Cotton. No criminal charges resulted from their investigation.

It is helpful to summarise the origin of the various accounts of witnesses from those investigations, as they are in the evidence before this panel to consider. However, the panel has not taken into account any conclusions reached in those other investigations. It is a well-established principle that this panel must make its own assessment on the evidence before it.

At this hearing, Pupil A, her mother and Witness A gave evidence under oath to the panel and exposed themselves to potential cross-examination and further questioning from the panel. Accordingly, the panel was generally able to attach significant weight to their evidence. Mr Cotton chose not to partake in this hearing and therefore has not provided the panel with any sworn testimony. Mr Cotton did provide some account of his position in writing, which the panel has taken account of. The panel has not drawn any adverse inferences from Mr Cotton's failure to give evidence at this hearing. The panel has also kept in mind that the burden of proof is on the TRA to prove any disputed allegations on the balance of probabilities and there is no duty on Mr Cotton to disprove them. However, bearing in mind Mr Cotton's account before the panel amounts to hearsay evidence and it has not been tested in further questioning, the panel decided Mr Cotton's evidence would generally carry less weight in those circumstances.

Findings of fact

The findings of fact are as follows:

Owing to the fact that allegation 2 occurs chronologically before allegation 1, the panel has taken allegation 2 out of turn.

2. On one or more occasions in or around May 2018, you contacted Pupil A on Instagram;

In her evidence before the panel, Pupil A explained that Mr Cotton taught her Computer Science [REDACTED] at the School (Years 7 and 8) and for the final three years (Years 9, 10 and 11). [REDACTED]. Pupil A said that Mr Cotton would often email her on her school email account and would do so more frequently than any other of her teachers. Some of the emails were purely around school matters, but they also included wider topics such as asking about how Pupil A was and what she was up to after school.

Pupil A recalled that at some point around May 2018, when Pupil A would have been in [REDACTED], Mr Cotton asked her if she used social media and she confirmed that she did and used Instagram. Later that night she received a message from him on that platform and a short conversation began. During that conversation, Pupil A explained that she went out [REDACTED] that evening and left her phone at home. On her return, her mother explained she had seen some messages between her and Mr Cotton on her phone. Worried about what would happen and the trouble Mr Cotton might get into, Pupil A told her mother that she initially contacted him. Pupil A explained that the nature of the messages on Instagram included: talking about Pupil A's day and Mr Cotton commenting that she looked pretty. During the conversation, Mr Cotton had sent a picture of himself in a new badminton shirt. Pupil A explained that she was deleting messages as she went along, so her mother would not have seen the full conversation.

The following day, Pupil A and her parents went into the School and had a meeting with the School's Head of Safeguarding, Witness A in which the contact over school email and Instagram was disclosed to the School.

Pupil A's mother's evidence to the panel was that sometime in May 2018, she checked her daughter's phone and saw messages on Instagram between Pupil A and Mr Cotton. She attributed this account to him due to his username and an image of him as the profile picture. She took a screenshot of what she saw. This screenshot was produced before the panel and recorded the following conversation:

Timestamp: "Today at 18:52"

Pupil A: "ooh nice top...I have to go now J for [REDACTED], sorry
xxx"

Mr Cotton: "No it's fine have a nice time see you tomorrow"

Mr Cotton: "Xxx"

Pupil A's mother set out a similar account to Pupil A regarding contacting the School and having a meeting with Witness A. Pupil A's mother also produced a second screenshot which followed the previous messages. This screenshot was sent to Witness A on 9 May 2018 in which Pupil A's mother stated that two further messages had come through. That screenshot recorded the following additional messages:

Timestamp: "Today at 10:02"

Mr Cotton: "You ok [Pupil A] Been sent home?"

Timestamp: "Today at 11:44"

Mr Cotton: "Hope everything is ok!"

Mr Cotton: "Always here to chat if you need me remember"

In Witness A evidence, he also gave a similar account regarding the meeting and being provided with the screenshots. Witness A explained that as a result of this concern being raised, Mr Cotton was given a 'management advisory letter'. A copy of that letter dated 11 May 2018 was in the evidence before the panel. Part of that letter recorded:

"At the meeting [between Witness A and Mr Cotton on 10 May 2018] we discussed that there were parental allegations that you had used social media to communicate with a [REDACTED] student, which does not conform to the Perins E-safety and IT Acceptable User policies and the general expectations of a member of the Perins staff with regard to communicating with students. The parents outlined the dates of 8th and 9th May as the period that messages were exchanged, and they provided screen shots of the message content.

I asked you for your perception of the situation and you provided a clear statement of your position regarding the issue, you said that you realised this was inappropriate and attempted to cease contact via social media, but were concerned in a pastoral role about the well-being of the student.

I explained that there are processes in school to deal with the needs of the student; and any concerns you have for the student should be shared with the appropriate pastoral manager or Senior Leader immediately, in line with school safeguarding policy, and as this was not done your conduct was therefore not acceptable."

During the TRA's investigation, a copy of the TRA allegations was sent to Mr Cotton in 2021 and a revised set of allegations sent in 2024. In his 2021 response, Mr Cotton indicated that he admitted this allegation. In the 2024 response, Mr Cotton indicated that he both admitted and denied the allegation and provided the following qualifying remarks:

"The student contacted me, not the other way around. This was admitted by the student and accepted by the school at the time. I am not denying the very brief communication on Instagram..."

In a further statement dated 11 November 2024, Mr Cotton made similar remarks about this allegation.

Taking account that the allegation does not require the panel to determine who made the first contact, the panel was satisfied that Mr Cotton's remarks were essentially an admission to the allegation. Furthermore, this admission was entirely consistent with the surrounding evidence before the panel, including relevant contemporaneous documentary evidence.

Therefore the panel found this allegation proved.

1. On more than one occasions between around October 2019 and February 2020, you encouraged and/or engaged in online communication with Pupil A, on the social media platform, ChatCrypt.

Pupil A's evidence was that following the concern being raised in 2018, no further contact with Mr Cotton occurred over Instagram or any other social media platforms. However, regular contact over the School's email system continued and she remained in his class. Pupil A stated that at some point during a lesson, Mr Cotton showed her how to use a messaging service called ChatCrypt so they could talk on that system. She says she was given a code and password to access the site on an internet browser and that any messages would be automatically deleted after you exited the browser.

Pupil A explained that during an argument with her mother, her phone was taken away and that her mother saw some of the messages on ChatCrypt on her phone. Pupil A confirmed that her mother again raised this as a further concern about Mr Cotton, along with other issues that she had told her.

Pupil A's mother provided a similar account to the panel about finding these messages and reporting it to the School, as did Witness A in his evidence to the panel. Furthermore, Witness A set out that as a result of these further concerns being raised, a formal investigation was commenced by the School which he led.

In a written response to the School's investigation, Mr Cotton accepted that he had been in contact with Pupil A over ChatCrypt. He said:

"This was a big error of judgement on my part for which I am sorry and I concede this is selfishly because I thought it would just make life easier for myself and her."

Mr Cotton went on to explain that the intention behind the contact on this service was pastoral in its nature.

In the notes of the investigatory meeting which took place with Mr Cotton on 10 March 2020, it is recorded that Mr Cotton again accepted using the service to talk to Pupil A and stated that it was her who suggested the site to him.

In his responses to the TRA's investigation, Mr Cotton similarly admitted this allegation and again highlighted his position that Pupil A introduced him to the ChatCrypt service.

Mr Cotton had in effect admitted this allegation in regard to accepting he engaged in messaging with Pupil A over ChatCrypt. His admission was consistent with the surrounding evidence on this point and therefore the panel found this allegation proved.

3. On more than one occasions between around October 2019 and February 2020, you sent one or more inappropriate messages to Pupil A and/or made one more of the following inappropriate comments;

In dealing with the sub-allegations for allegation 3, the relevant evidence does not necessarily easily follow with the sub-allegation numbering. For the ease of identifying the relevant evidence in these reasons, some of the sub-allegations have been taken out of turn.

- a. "It's safer on here than email, we have been good only chatting on here" or words to that effect;**

- e. "Was eyeing you up earlier wondering if your man shirt would fit" or words to that effect;**

Pupil A's mother's evidence to the panel was that she recalled seeing these phrases on the ChatCrypt site when she checked Pupil A's phone. She however was not able to get screenshots as she exited the page at some point and when she returned they were no longer available.

Included as part of Witness A's investigation report, was an email sent from Pupil A's mother to him on 6 February 2020. This email sets out what Pupil A's mother said she saw the day before and was consistent with her account to the TRA.

In his 2021 response, Mr Cotton stated in regard to sub-allegation 3(a), he used the word 'easier' rather than 'safer', but otherwise he admitted the sub-allegation. He also admitted sub-allegation 3(e). However, in his 2024 response, Mr Cotton gave a more qualified response in regard to allegation 3(e), in that he accepted a conversation took place, but did not accept the nature and context of how it was presented in this allegation, albeit he did not further expand on what the nature and context he said it occurred. In his 2024 statement, Mr Cotton gave a further differing account. In regard to sub-allegation 3(a), he stated that *"[t]his did not happen, the closest to this was pertaining it to being quicker"*.

The panel took into account the consistency of Pupil A's mother's account and that it was supported by a contemporaneous recording of what she said she saw only the day after. Mr Cotton's account on this allegation however has not been consistent. It has appeared to evolve over time. Furthermore there was an inherent probability that Mr Cotton had used the phrase 'safer' rather than 'easier' taking into account the extra steps Pupil A described on how to set up and access the site and the previous warning that Mr Cotton had received.

On that basis, the panel was satisfied that Pupil A's mother's account was more reliable than Mr Cotton's and was satisfied that it was more likely than not that Mr Cotton sent those messages as described by her.

Furthermore, the panel was satisfied that engaging with a pupil for personal conversations on a messaging service unapproved by the School was wholly inappropriate, notwithstanding that Mr Cotton had already been warned by the School about his conduct on contacting this very pupil just two years prior.

Accordingly, the panel found these sub-allegations proved.

- b. "You look pretty without makeup on" or words to that effect;**
- c. "Your skirt looks short under the desk with your legs crossed" or words to that effect;**
- i. Told Pupil A that you would love to see her in your shirt, or words to that effect;**
- j. Told Pupil A that her skirt looked good now it's shorter, or words to that effect;**
- k. Told Pupil A that her shirt goes see through when it rains and/or asked her to come and stand outside in the rain with just her shirt on, or words to that effect;**
- l. Asked Pupil A to send pictures of herself in wet uniform;**

Pupil A's evidence to the panel was that the messages on ChatCrypt were of a more explicit and sexualised nature than those on the School email system and provided an account to the TRA in which she said Mr Cotton had sent messages to her as detailed above in the allegation. Pupil A also gave a similar account in 2022 when she was interviewed by the police.

Pupil A's mother's evidence was that she asked Pupil A about the nature of the messages being sent over ChatCrypt, which she could no longer see, and Pupil A's response included telling her about a message in which Mr Cotton said she looked pretty without makeup on.

Also in the evidence was a copy of a statement by Pupil A which Witness A had asked her to provide in February 2020. This also set out the comments about make-up and her uniform.

In his 2021 response, regarding sub-allegation 3(b) Mr Cotton stated that he did make a light-hearted exchange with Pupil A when he had said she looked tired during a class. He stated he went on to say words to the effect of "*well you know what they say, true beauty*

is people who don't need makeup". He denied that any such messages were sent on this topic. In his 2024 responses, Mr Cotton denied sending any messages regarding Pupil A's uniform.

In regard to sub-allegation 3(c), Mr Cotton's 2021 response said he admitted there was a discussion about skirt lengths, but this took place in class following a staff member coming into the class to deal with an issue about uniforms and Mr Cotton remarked words to the effect of *"the problem is made worse by skirts looking shorter under a desk"*. However in his 2024 statement his position was somewhat different and he said *"This did not happen. This is total fabrication – one word against the other."*

The panel noted that Pupil A's account had remained consistent in her various accounts to her mother, the School, the police and the TRA. Furthermore the panel took into account the common theme of references to Pupil A's uniform. The panel particularly noted the evidence from Pupil A's mother was that prior to finding the messages in 2018, she recalled Pupil A telling her about Mr Cotton commenting on the 'whiteness' of her shirt and asked how she got them so clean. Pupil A's mother explained that at that time, she just assumed that Mr Cotton was probably just a 'young bloke' who didn't know too much about how to do his own laundry properly. The panel considered this lent some credibility to the suggestion that Mr Cotton's comments toward Pupil A would often include references to her uniform.

Accordingly, the panel was satisfied it was more likely than not that Mr Cotton sent these messages. Furthermore it would be plainly inappropriate for a teacher to make comments about the attractiveness of a pupil and sexualised comments about their uniform.

Therefore the panel found these sub-allegations proved.

d. "That's my [Pupil A initials]" or words to that effect;

f. "Can't resist" or words to that effect, in response to Pupil A, "thought we weren't doing this anymore" or words to this effect;

Pupil A's evidence to the panel was that Mr Cotton had referred to her by her initials in the messages and that Mr Cotton had said he 'can't resist' after a conversation was had that they would stop using ChatCrypt after the new year.

In his 2021 response, Mr Cotton had given an unqualified admission to sub-allegation 3(d). However, in his later 2024 response, whilst Mr Cotton accepted it was likely he would have referred to Pupil A by her initials, he denied it would have been said in the fashion described in the allegation.

In regard to sub-allegation 3(f), Mr Cotton gave a qualified admission in his 2021 response. He said the words used was actually 'should resist' when they both acknowledged they should no longer be communicating. However, in his 2024 responses

he denied this sub-allegation stating “[t]his is total fabrication – one word against the other.”

Similarly to sub-allegations 3(a) and 3(e) there was a marked consistency to Pupil A’s account over a number of years whilst Mr Cotton’s account was not so. On that basis the panel considered Pupil A’s account as more reliable and taking account of its internal consistency with the surrounding evidence, the panel considered it was more likely than not that those messages were sent.

These messages were part of the ongoing inappropriate messaging between Pupil A and Mr Cotton, a point expressly recognised in the messages themselves. Accordingly the panel found these sub-allegations proved.

g. Described to Pupil A on ChatCrypt what activities of a sexual nature you wanted to engage in with her, including putting your fingers inside her and/or lifting her skirt up and/or putting your hand in her shirt, or words to that effect;

Pupil A’s account of these highly sexualised messages first appeared in her police account in 2022, this was following her disclosure to her driving instructor of the alleged sexual assault (dealt with in detail below at allegation 13).

The panel has taken account of its findings in previous allegations relating to the evolution of the messaging with Pupil A becoming of a more sexual nature. It considers those findings to be sufficiently connected and of similarity to the facts in this sub-allegation. It is a factor tending to suggest that Mr Cotton had a propensity to send these types of messages to Pupil A.

Mr Cotton gave a bare denial to this sub-allegation in his response to the TRA.

Taking those factors into account, the panel was satisfied that it was more likely than not that Mr Cotton sent those messages. Sending sexualised messages to a pupil would plainly be inappropriate and therefore the panel found this sub-allegation proved.

h. Sent Pupil A a photo of your clothed crotch when you had an erect penis via ChatCrypt;

Pupil A’s account of Mr Cotton sending this image was first set out in her police interview in 2022. The panel considered that Pupil A’s account had the ring of truth regarding Mr Cotton sending an image, particularly in light of his ongoing and increasingly sexual messaging. However, the panel noted that Pupil A had given some conflicting evidence in regard to whether it was possible or not to send images via ChatCrypt. In her written statement and in her account to the police, she had said that images were shared between them on that platform. In her oral evidence she remarked that they couldn’t be sent by this means. When the panel sought clarification from Pupil A about sending

images on ChatCrypt, she thought that you couldn't, but she readily conceded that she was not sure if that was the case. She said they mainly used ChatCrypt and the School's email accounts in her communication with Mr Cotton at that time and she didn't think he would have sent such an image via the School's email, which left her unsure about the platform the images were sent and received on.

The panel considered Pupil A's answers to the clarification on the images point and the concessions made by her on further questioning around the topic. The panel was satisfied that Pupil A's answers seemed a reasonable and detailed explanation regarding her potential misunderstanding and it did not significantly impact the panel's assessment of her general credibility and reliability.

However, in the absence of the TRA placing any evidence before the panel in regard to the operation of ChatCrypt, the panel was not satisfied the TRA was able to discharge its burden of proof regarding this sub-allegation in light of Pupil A's evidence. Therefore the panel found this allegation was not proved.

For completeness, Mr Cotton's response to this allegation was that he denied that it took place. He further stated that it was not possible to send images over ChatCrypt.

4. On one or more occasions between October 2019 and February 2020, you discussed personal issues about your private life as set out in Schedule A with Pupil A;

Pupil A's evidence to the panel was that Mr Cotton had disclosed a number of aspects about his private life. Those included [REDACTED].

In the School investigation, Mr Cotton is recorded as explaining that he had been speaking with Pupil A about [REDACTED].

[REDACTED].

The panel considered that Mr Cotton's admission was consistent with the surrounding evidence on this allegation and therefore found it proved.

5. On one or more occasions between October 2019 and February 2020, you sent emails to Pupil A, which contained the following cryptic messages:

- a. "Exam papers are online now" or words to that effect which meant that Pupil A should go to the chat room, ChatCrypt;**
- b. "Happy Birthday" or words to that effect which meant that Pupil A should go to the chat room, ChatCrypt;**

Pupil A's evidence was that Mr Cotton would communicate with her via the School's email system when he was ready to talk to her on ChatCrypt. Instead of referring to the

site directly, Pupil A understood that Mr Cotton would refer to it in a coded method, such as saying something like ‘exam papers online’, or ‘happy birthday’. This was noted in the contemporary statements taken during the School’s investigation and Pupil A’s evidence remained consistent on this point.

Witness A’s statement to the TRA stated that Mr Cotton had admitted to him as part of his inquiries that he had used a code with Pupil A on the emails when it meant it was time to move over to ChatCrypt. This was a point he confirmed in his oral evidence before the panel.

Mr Cotton denied this allegation. He accepted emails were sent including these terms, but denied there was any cryptic or coded element to them.

The panel considered that Witness A’s evidence highly corroborated Pupil A’s evidence on this allegation. Whilst Mr Cotton had denied the allegation at this hearing, there was no account from him in which he disputed Witness A’s evidence or offered any qualification or alternative explanation regarding it.

On that basis, the panel was satisfied the required standard of proof was reached and found the allegation proved.

6. On an unknown date prior to 12 February 2020 you requested and/or taught Pupil A, to double delete email correspondence with you;

Pupil A’s evidence to the panel was that Mr Cotton showed her how to ‘double delete’ emails. She explained that meant initially deleting the e-mail from her inbox and then further deleting it from the deleted items folder and then Mr Cotton would delete them from the server so they could not be recovered. Pupil A also explained that Mr Cotton had only told her to do this and it was not part of any wider classroom teaching she received in Computer Science.

Witness A’s evidence was that as part of his investigation, he asked the School’s IT services team to check Mr Cotton’s and Pupil A’s email accounts. Some of the email content could not be recovered, which suggested they had been double deleted. Recorded in the interview notes with Mr Cotton on 10 March 2020 was an exchange where Witness A appear to ask Mr Cotton about this topic. Mr Cotton’s reply was recorded as *“because it was a stack – does not look good”*. Witness A then further asked if this was normal and Mr Cotton’s reply was recorded as *“would not have happened with other students”*.

Witness A also explained in his evidence that at the time, Mr Cotton had significant access to the IT services systems at the School (which is now not available to teaching staff). The panel further noted in relation to this point there was evidence in the bundle about his extensive work in the field of IT services prior to him becoming a teacher, which suggested Mr Cotton would have a deep understanding of the School’s IT systems and

how to control them. This conclusion was supported by the evidence of Witness A who explained that Mr Cotton was partly responsible for drafting many of the School's IT policies.

When asked about the common knowledge of 'double deleting' emails at that time, Witness A said there was no such guidance at the time (although there now was to help manage data storage) but he was not sure if it was or was not part of any curriculum for the pupils.

Mr Cotton denied this allegation. He stated that he did teach Pupil A about double deleting, however that was in the classroom and he taught everyone in the group on how to clear their deleted items folder.

The panel considered that Witness A's evidence of the IT investigatory steps he took appeared to establish an element of double deleting with Pupil A and which Mr Cotton did not deny when put to him by Witness A in his investigation. This appeared to corroborate Pupil A's evidence. Combined with Mr Cotton's inconsistent explanations regarding double deleting with other pupils, the panel was satisfied that the evidence showed on the balance of probabilities that Mr Cotton had taught and requested that Pupil A (as an individual rather than as part of a class group) to undertake double deleting of the emails between them.

Accordingly the panel found this allegation proved.

The panel will further consider the question of Mr Cotton's motivation for these actions in later allegations.

7. Between 7 January 2020 and 5 February 2020, you sent over 100 emails to Pupil A;

As previously set out, Pupil A's evidence to the panel was that she was in very regular contact with Mr Cotton using the School's email system.

In Witness A's investigation, he obtained a report from the School's data manager which suggested that over this time period Mr Cotton had emailed:

- 30 times to his closest colleague;
- 9 times to his [REDACTED];
- 6 times to student services;
- 109 times to Pupil A.

Mr Cotton did not seek to dispute these figures or that he was in frequent contact with Pupil A by email in the School's investigation. He is recorded as saying that he "*admit[ted] we have emailed a lot*" and that it was "*more than there should have been*".

In his responses to the TRA, Mr Cotton admitted this allegation with some qualification. He recites the allegation as also including “*sent over 100 emails to Pupil A when there was no professional reason to do so*” and he states that there would have been a professional reason to email Pupil A. That additional aspect does not form part of the allegation before the panel. It is not clear to the panel if that was a previous drafting of the allegation. Whilst the panel noted Mr Cotton’s recent denials on the appropriateness of the level of contact was at odds with his earlier admission in the School’s investigation, the allegation as it appears before the panel does not require it to resolve that point.

The panel considered the evidence of the amount of emails being sent was essentially undisputed and therefore found this allegation proved.

8. On an unknown date in February 2020:

a. You ran your hand down Pupil A’s back; and/or

b. Did so when you knew or ought to have known that Pupil A did not want you to run your hand down their back;

Pupil A’s evidence was that Mr Cotton had run his hand down her back. She said other boys in the class had seen it and made jokes about it to her and copied Mr Cotton’s actions.

In the statement she provided to Witness A, she recorded that Mr Cotton had done it as a joke relating to another teacher and it happened earlier that week in class.

Witness A explained in his evidence that after Pupil A and her mother reported their concerns, he had identified various pupils who might be relevant witnesses to some of the physical contact reported. Witness A did not want to alert any pupils of an investigation at that time, so he did not formally interview them. Instead he talked to those pupils under a process called ‘student voice’ which was an existing process at the School where teachers sought feedback from the pupils. Witness A stated he was careful not to ask direct questions about the issues and tried to piggyback off other answers they had given to understand what they might have seen. Witness A stated that one of the pupils explained to him that he saw Mr Cotton run his hand down Pupil A’s back.

In his initial statement to the School’s investigation, Mr Cotton stated:

“I have always high fived, fist pumped & nudged arms / shaken hands / tapped on back on way out with students since I started my career...”

In the meeting notes of Mr Cotton’s interview with Witness A on 10 March 2020, Witness A asked about running his hand down Pupil A’s back and holding her hand. Mr Cotton is noted as replying “*he didn’t know when this was supposed to have happened. Do not know why this has been said.*” In subsequent questions Mr Cotton

stated it might have related to a joke he was making about a newly qualified teacher who he described as ‘insanely touchy’.

In his 2021 response, Mr Cotton stated he was aware of what this allegation related to him said:

“[T]here are some factual inaccuracies to this statement, in that it was her arm, not her back, done in public, around other people, as a running joke we had about the way another member of staff touched everybody's arm.”

It appeared from this that the TRA’s evidence and Mr Cotton’s evidence both related to the same event and the only material difference in accounts was that Pupil A said it was her back that was touched and Mr Cotton said it was her arm that was touched. The panel took into account Pupil A’s version of events has remained consistent in her accounts and was recorded fairly contemporaneously. Furthermore, although recognising this was a hearsay account, Witness A had appeared to have been able to corroborate Pupil A’s version of events with another pupil. On that basis, the panel was prepared to attach more weight to Pupil A’s account than Mr Cotton’s. The panel was therefore satisfied that it was more likely than not that Mr Cotton had run his hand down Pupil A’s back on that occasion.

The TRA did not present any evidence to the panel in regard to the consent element as set out in sub-allegation 8(b). On that basis, the panel had no evidence on which to evaluate whether Pupil A did not want it to happen at that time, or whether Mr Cotton ought to have known at the time that she did not want it to happen.

Accordingly, the panel found this allegation proved only in so far as it applied to sub-allegation 8(a).

9. On an unknown date prior to 12 February 2020, you held Pupil A's hand;

Pupil A’s evidence was also that Mr Cotton would ‘high-five’ her and hold onto her hand on occasions in classes and had also put his hand on her hand whilst it was on the desk. She said she never saw Mr Cotton do this with anyone else. This was an account that she shared with her mother and Witness A.

During the School’s investigatory process Mr Cotton raised that he often ‘high-fived’ pupils and it was part of his teaching style.

In his 2021 response to the TRA. Mr Cotton expanded on this. His response was:

“I had regularly read articles about teaching styles and had seem articles about high fiving students. I used to high five the vast majority of groups at some stage, and would often shake hands with entire groups as they left the classroom in the style of leaving church. For example, the way a vicar holds both hands with both

their hands and says "Bu-bye, thank you for coming, take care, bu-bye bu-bye" etc. I did the to, possibly every group, many times. I agree that this ends up holding hands longer than a standard shake / high five, but this was all done in public forum, but otherwise admitted."

Witness A gave some evidence regarding his attempts to clarify with other pupils what physical contact was made by Mr Cotton in their lessons, but it was not clear to the panel what he had established.

The panel considered the wider evidential picture regarding high-fives and other hand contact as generally unclear and vague and on that basis was not satisfied the TRA had discharged the burden of proof in regard to this allegation. Therefore the panel found allegation 9 not proved.

10. On one or more occasions between 2017-2020, you asked Pupil A to roll her skirt up for you, or words to that effect;

11. On one or more occasions between 2017-2020, via ChatCrypt and/or at School in person, you asked Pupil A to wear a black bra under her shirt;

The evidence relating to these two allegations is essentially the same and an extension of the allegations otherwise grouped above under allegation 3(b),(c),(i),(j),(k) and (l). For the reasons set out in that section, the panel found these two allegations proved.

12. On one or more occasions between 2017-2020, you placed notes inside Pupil A's book which contained one or more of the following inappropriate comments:

c. Asking Pupil A to go on ChatCrypt; and/or

d. Comments on the length of her skirt; and/or

e. Comments about what you wanted to do to Pupil A, or words to that effect;

Pupil A's evidence was that Mr Cotton's actions in regard to arranging ChatCrypt conversations, commenting on her uniform and other sexualised comments were not just made through electronic messages, but would also be written onto notes which he had slipped inside of the revision book. This took place on occasions during Years 9 to 11.

In his 2024 response, Mr Cotton denied the allegation and said it absolutely did not happen and was a total lie.

The panel took into account its previous findings in regard to other allegations relating to the use of ChatCrypt, Mr Cotton's focus on Pupil A's uniform and on the sexualised comments to her. The panel noted these subject matters were essentially the same

nature as the electronic communications, and provided support for the proposition that it increased the likelihood that Mr Cotton had placed such notes in the revision book.

On that basis the panel was satisfied it was more likely than not that the facts in this allegation occurred and therefore found this allegation proved.

13. In around 2019-2020, you touched Pupil A's thigh(s) and/or touched Pupil A under her underwear and/or digitally penetrated Pupil A;

Pupil A's evidence to the panel was that at some point in [REDACTED], she attended an open evening at the School to help promote the Computer Science class. During the course of that evening, she said that Mr Cotton asked her to go into his office with him, in order to get some display materials and she went with him. There was no one else present in the office. Whilst in there alone, Mr Cotton sat her on a chair and started to touch her thighs and ran his hand up her skirt whilst he was stood over her. She said she was wearing a skirt and pants and he moved those out of the way and started touching her under her underwear including putting his fingers inside her vagina. She described herself as sort of 'freezing' in the circumstances and not really saying or doing much in response. She said Mr Cotton stopped shortly after and there was no conversation about what had just happened. They left the office and returned to the classroom. She thought they would have been in the office for around 5-10 minutes.

Pupil A stated that she did not initially tell anyone about what had happened as she did not think anyone would believe her. This was because from her perspective, nothing had happened when the initial concerns (regarding the Instagram messages) were raised.

Pupil A's evidence was that that during a driving lesson in May 2022, her instructor had referred to her by her initial, which is what Mr Cotton had used with her and which she had not heard in a long time. This caused her to immediately be unsettled and she effectively 'had a breakdown' in the car with the instructor. She told him why she was upset and what had happened with Mr Cotton. She understood that the instructor informed her mother. Having spoken about it with her mother, they agreed to report it to the police.

Pupil A's mother's evidence was that Pupil A's driving instructor's wife called her to say that Pupil A had told her husband that she had been sexually assaulted by Mr Cotton and that she thought she should know about it. When Pupil A's mother next saw Pupil A, she described that she sat her down and told her she needed to tell her everything. She recalled that Pupil A told her that Mr Cotton had sexually assaulted her at the School on an options evening when he took her into an office. Following this they raised it with the police and on 8 July 2022 the police video interviewed Pupil A about her account. Pupil A was told by the police that Mr Cotton had also been interviewed, but had not answered any questions in his interview.

Mr Cotton denied the allegation. In his 2024 statement to the TRA he said there was a witness who was in the office for the whole of the open evening (albeit he does not identify who that person is in the statement) and that there were many parents and others in the block that evening.

The panel took that from Mr Cotton's own evidence, it appeared he agreed that Pupil A was present with him at that open evening and they were at some point in his office, but that his position was that no sexual activity took place and there would have been no opportunity for that to have happened.

The panel took into account its previous findings in relation to Mr Cotton's ongoing conduct towards Pupil A including sending messages about wanting to engage in sexual activities with her and which had taken place over a significant period. The panel was satisfied that Pupil A's account was clear and consistent over various accounts, detailed and logically consistent with the overall evidential picture of Mr Cotton's persistent behaviour towards her. On that basis, the panel was satisfied that it was more likely than not that the behaviour she described being subject to occurred.

Therefore the panel found this allegation proved.

14. By your actions as set out in allegations 1 to 13 above, you breached the professional boundary between a teacher and a pupil;

Mr Cotton admitted this allegation in so far as it applied to the conduct he accepted.

The allegations as found proven at allegations 1 to 13 unarguably amount to a breach of the professional boundary between a teacher and pupil and this allegation must be found proven. However the extent of this breach is properly measured in the analysis for unacceptable professional conduct and/or conduct that may bring the profession into disrepute as set out below.

15. By your actions as set out in allegation 6 above, you demonstrated elements of dishonesty and/or a lack of integrity;

Mr Cotton denied acting dishonestly, but accepted his admitted conduct would have called his integrity into question.

In regard to dishonesty, the panel firstly considered what Mr Cotton's state of mind was as to the circumstances he was in. The following facts and deductions are relevant to this assessment:

- Mr Cotton's actions regarding double deletions was directed solely to Pupil A.
- Mr Cotton had previously been warned by the School's Deputy Headteacher not to inappropriately message Pupil A in the future. If Mr Cotton were found to have

been engaging in such conduct again, he knew he would be at risk of serious disciplinary repercussions.

- Mr Cotton had purposely continued to message Pupil A regardless of this warning.
- Mr Cotton had an expert understanding of the School's IT systems and related policies combined with a very high level of technical skills and knowledge.
- Mr Cotton had employed coded messages with Pupil A in his communications.
- Mr Cotton's alternative explanations for these actions had essentially been rejected by the panel in its earlier findings.

The panel considered these factors led to an irresistible conclusion that Mr Cotton's state of mind in these circumstances was centred around an attempt to purposely conceal his communications with Pupil A from others.

The panel further considered that an ordinary decent person would consider the purposeful concealment to hide inappropriate conduct as being dishonest in its nature. Indeed the TRA's own published guidance talks of such a behaviour as a type of dishonesty.

The panel therefore found that Mr Cotton had acted dishonestly and therefore found this allegation proved.

It is a well-known principle in regulatory proceedings that acting dishonestly also amounts to acting with a lack of integrity. On that basis the allegation is proved in full. However, the panel noted that the seriousness of this misconduct is fully captured within a finding of dishonesty and therefore the additional finding of acting with a lack of integrity does little to change the level of seriousness.

16. Your behaviour as may be proven at one or more particulars 1 to 13 above, was conduct of a sexual nature and/or was sexually motivated.

Mr Cotton denied this allegation.

The panel took into account the relevant guidance which stated that sexual motivation was conduct that was either undertaken in the pursuit of sexual gratification or in the pursuit of a future sexual relationship and the wider definition for conduct of a sexual nature, by reference to the meaning of 'sexual' found within section 78 of the Sexual Offences Act 2003.

In regard to allegation 13, the panel considered that the act of digitally penetrating Pupil A's vagina fell into the second limb of the definition of sexual in the 2003 Act. Having arranged for Pupil A to be in a private area of the School, and taking account of the previous sexualised messages sent to Pupil A, the panel was satisfied that a reasonable

person could only conclude that Mr Cotton's intent in undertaking that act was for a sexual purpose.

Furthermore, the other allegations before the panel demonstrated a clear and consistent course of conduct, which took place over a number of years, in which Mr Cotton sought to pursue Pupil A for a potential sexual relationship and subsequently for his own sexual gratification.

Accordingly the panel therefore found this allegation proved.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

The panel was satisfied that the conduct of Mr Cotton, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Cotton was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel's assessment was that these were not trivial breaches of the standards but were at the most serious end. They included types of behaviour which were inherently serious, such as dishonesty and sexual misconduct. Accordingly the panel was satisfied

that the conduct of Mr Cotton amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Cotton's conduct displayed behaviours associated with any of the offences listed on page 12 onwards of the Advice. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. The panel found that the offences of: 'sexual activity' and 'sexual communication with child' was relevant to this assessment.

The panel noted that some of the allegations took place outside the education setting. The factual basis of those allegations was rooted around the teacher / pupil relationship, which was exploited by Mr Cotton for his own personal gratification at the expense of Pupil A. The panel was therefore satisfied that Mr Cotton's conduct both affected the way he fulfilled his teaching role and exposed / influenced Pupil A in a harmful manner. Accordingly those allegations outside the education could still amount to unacceptable professional conduct.

Taking account of these factors, the panel was satisfied that Mr Cotton was guilty of unacceptable professional conduct in regard to the proven allegations.

In relation to whether Mr Cotton's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave. The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The teaching profession is at the forefront of safeguarding children. It is fundamental to the public's trust placed in teachers that they are able to be considered safe around children and that children are not targets for their own sexual gratification.

The panel therefore found that Mr Cotton's actions constituted conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely:

- the safeguarding and wellbeing of pupil;
- the maintenance of public confidence in the profession
- declaring and upholding proper standards of conduct

In the light of the panel's findings against Mr Cotton, which involved serious sexual misconduct involving a pupil, there was a strong public interest consideration in respect of the safeguarding and wellbeing of children. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Cotton were not treated with the utmost seriousness when regulating the conduct of the profession. The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Cotton was outside that which could reasonably be tolerated.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Cotton. In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Cotton. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;

- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- violation of the rights of pupils;
- a deep-seated attitude that leads to harmful behaviour;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;
- collusion or concealment including:
 - encouraging others to break rules;
 - lying to prevent the identification of wrongdoing;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate. The Advice sets out a list of three possible factors. In regard to 'deliberateness', the evidence before the panel was that Mr Cotton's course of conduct in no way could be described as being 'inadvertent'. Similarly there was no evidence that Mr Cotton was acting under 'duress'. In regard to the final listed factor, there was no evidence before the panel that Mr Cotton has otherwise demonstrated exceptionally high standards or has contributed significantly to the education sector.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Cotton of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Cotton. Two factors were central to that assessment.

Firstly, Mr Cotton's behaviour towards Pupil A took place over a period of years. Warnings from the School's leadership did not deter him. Whilst Mr Cotton may have presented to the School's leadership as initially capitulating and demonstrating an understanding of his misconduct, Mr Cotton's actual response was to turn to more deceptive and surreptitious measures in order to hide his actions towards Pupil A and which continued to escalate. In light of this, the panel viewed the few remarks in Mr Cotton's evidence which might have otherwise conveyed some insight into his behaviour with considerable scepticism. On that basis, the risk of repetition of similar misconduct occurring in the future remained at an unacceptably high level. Combined with the extremely high level of harm that results from such sexual misconduct, the panel considered restrictive regulatory action was necessary in order to safeguard and protect children's wellbeing.

Secondly, Mr Cotton's misconduct was near the top end of the spectrum in terms of its seriousness. Public confidence in the profession would be at risk of simply evaporating if any lesser sanction was recommended.

Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period. These included:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child;

Taking account of its earlier view on the seriousness on the case, the panel decided there was no reason to depart from the guidance set out in the Advice. Therefore the panel's findings indicated a situation in which a review period would not be appropriate. As such, the panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In this case, the panel has also found some of the allegations not proven. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Jeremy Cotton should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Cotton is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Cotton involved breaches of the responsibilities and duties set out in the statutory guidance 'Keeping children safe in education'.

The panel finds that the conduct of Mr Cotton fell significantly short of the standards expected of the profession.

The panel's findings are particularly serious as they include a teacher engaging in serious sexual misconduct involving a pupil.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Cotton, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel observes that:

“In the light of the panel’s findings against Mr Cotton, which involved serious sexual misconduct involving a pupil, there was a strong public interest consideration in respect of the safeguarding and wellbeing of children.”

A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which it sets out as follows:

“Whilst Mr Cotton may have presented to the School’s leadership as initially capitulating and demonstrating an understanding of his misconduct, Mr Cotton’s actual response was to turn to more deceptive and surreptitious measures in order to hide his actions towards Pupil A and which continued to escalate. In light of this, the panel viewed the few remarks in Mr Cotton’s evidence which might have otherwise conveyed some insight into his behaviour with considerable scepticism. On that basis, the risk of repetition of similar misconduct occurring in the future remained at an unacceptably high level.”

In my judgement, the lack of evidence that Mr Cotton has developed full insight into and remorse for his actions means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observes that:

“The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception. The teaching profession is at the forefront of safeguarding children. It is fundamental to the public’s trust placed in teachers that they are able to

be considered safe around children and that children are not targets for their own sexual gratification.”

I am particularly mindful of the finding of a teacher engaging in sexually motivated behaviour in this case and the very negative impact that such a finding is likely to have on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct and conduct likely to bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Cotton himself. The panel records that there was no evidence placed before it to suggest that he has either demonstrated exceptionally high standards or has contributed significantly to the education sector.

A prohibition order would prevent Mr Cotton from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments concerning the seriousness of the misconduct found by the panel, which it describes as being “...not trivial breaches of the standards but were at the most serious end”, as well as the lack of evidence of insight and remorse on Mr Cotton’s behalf. I have also taken into account the significant injury to the standing of the profession created by Mr Cotton’s actions and the breach of trust inherent in them.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Cotton has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel's concluding remarks:

“The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period. These included:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child;

Taking account of its earlier view on the seriousness on the case, the panel decided there was no reason to depart from the guidance set out in the Advice. Therefore the panel's findings indicated a situation in which a review period would not be appropriate. As such, the panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period.”

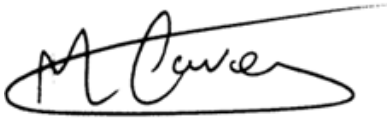
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that I agree with the panel that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are very serious nature of the misconduct found, which in my view constitutes behaviour fundamentally incompatible with working as a teacher, as well as the lack of evidence of either insight or remorse and the unacceptable risk of repetition this raises.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Cotton is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Cotton shall not be entitled to apply for restoration of his eligibility to teach.

This order takes effect from the date on which it is served on the teacher.

Mr Cotton has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'M. Cavey', enclosed within a hand-drawn oval.

Decision maker: Marc Cavey

Date: 7 March 2025

This decision is taken by the decision maker named above on behalf of the Secretary of State.